

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

– against –

MICHAEL ROMANO, et al.,

Defendants.

ORDER
09 CR 168 (JFB)

JOSEPH F. BIANCO, District Judge:

By letter dated April 4, 2011, the Court has received a request from counsel for defendant Michael Schutzman to be excused from attending the hearings on April 11 and April 18, 2011. Any waiver of the defendant's right to be present, under these circumstances, should only be done after a colloquy with the Court and the defendant to ensure that the defendant's waiver is knowing and voluntary. Accordingly,

IT IS HEREBY ORDERED that defendant Schutzman is directed to appear for the beginning of the hearing on April 11, 2011. If the Court concludes that his waiver of his right to be present is knowing and voluntary, he will be permitted to leave the hearing and will not be required to attend on April 18, 2011.

IT IS FURTHER ORDERED that, with respect to defendant's motion that the April 18, 2011 hearing be conducted under seal because it pertains to the defendant's mental condition, the Court will address that issue on April 11, 2011.

IT IS FURTHER ORDERED that, having determined that there is no legal basis for the April 4, 2011 letter be filed under seal (including the fact that there has already been a general discussion in open court on the record on March 9, 2011 about the litigation over the defendant's mental condition), the April 4, 2011 letter be docketed.

SO ORDERED.

JOSEPH F. BIANCO
UNITED STATES DISTRICT JUDGE

Dated: April 7, 2011
Central Islip, New York